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BY HAND DELIVERY

Marlene H. Dortch, Esquire
Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-B204
Washington, D.C. 20554

Attn The Honorable Arthur I. Steinberg
Administrative Law Judge

Re EB Docket No. 03-152

Dear Ms. Dortch:

On behalf of Richard B. Smith, pursuant to Section 1.223 of the Commission's Rules, there is transmitted herewith, an original and six copies of a Motion for Leave to File Reply.

If additional information is necessary, please communicate with this office.

Please date stamp the extra enclosed copy and return it to the undersigned.

Very truly yours,



Vincent J. Curtis, Jr.

Harry F. Cole

Susan A. Marshall

Counsel for Richard B. Smith

VJC/st

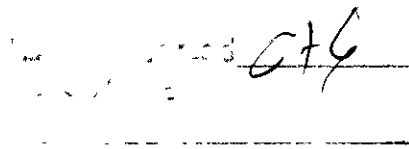
Enclosure

cc: See Certificate of Service

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY



Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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SEP 11 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

EB Docket No. 03-152

In the Matter of)	
)	
WILLIAM L. ZAWILA)	Facility ID No. 72672
)	
Permittee of FM Station KNKS,)	
Coalinga, California)	
)	
AVENAL EDUCATIONAL SERVICES, INC.)	Facility ID No. 3365
)	
Permittee of FM Station KAAX,)	
Avenal, California)	
)	
CENTRAL VALLEY EDUCATIONAL)	Facility ID No. 9993
SERVICES, INC.)	
)	
Permittee of FM Station KAJP,)	
Firebaugh, California)	
)	
H.L. CHARLES D/B/A FORD CITY)	Facility ID No. 22030
BROADCASTING)	
)	
Permittee of FM Station KZPE,)	
Ford City, California)	
)	
LINDA WARE D/B/A LINDSAY)	Facility ID No. 37725
BROADCASTING)	
)	
Licensee of FM Station KZPO,)	
Lindsay, California)	
)	
In re Application of)	
)	
WESTERN PACIFIC BROADCASTING, INC.))	File No. BR-19970804YJ
)	Facility ID No. 71936
For Renewal of License for AM Station KKFO,)	
Coalinga, California))	

TO: The Honorable Arthur I. Steinberg
Administrative Law Judge

MOTION FOR LEAVE TO FILE REPLY

1. Richard B. Smith hereby seeks leave to file a Reply to the Oppositions filed by the Enforcement Bureau (“Bureau”) and William L. Zawila, Avenal Educational Service, Inc., Central Valley Educational Services, Inc., H.L. Charles d/b/a Ford City Broadcasting, Linda Ware d/b/a Lindsay Broadcasting and Western Pacific Broadcasting, Inc. (collectively, “Zawila”) with respect to Mr. Smith’s Petition for Leave to Intervene herein. Mr. Smith’s Reply is being tendered simultaneously herewith.

2. A reply pleading is appropriate here because both the Bureau and Zawila have based their respective Oppositions on fundamentally incorrect assumptions. In particular, both misstate the nature of this proceeding, characterizing it as strictly a revocation proceeding. In fact, this docketed case includes a license renewal application. The case therefore “involves” an application.

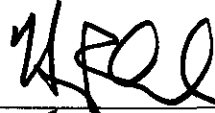
3. This distinction is important because, as set out in Mr. Smith’s accompanying Reply, different standards for intervention apply when a case “involves” an application.

4. In formulating his initial Petition for Leave to Intervene, Mr. Smith did not believe that it would be necessary to address the differences in the standards because Mr. Smith believed it obvious from the caption of this proceeding that Section 1.223(a) – which applies to “cases involving applications” – is applicable. The caption demonstrates on its face that a renewal application is involved here. Since the Bureau and Zawila have chosen to raise this red herring on their own, Mr. Smith requests leave to address it in a brief Reply.

5. Since this Reply is being submitted the day after the submission of the Bureau and Zawila Oppositions, no delay will result from acceptance of this Reply.

6. WHEREFORE, for the reasons stated, Richard Smith requests leave to submit the Reply which is being tendered simultaneously herewith.

Respectfully submitted,



Vincent J. Curtis, Jr., Esq.
Harry F. Cole, Esq.
Susan A. Marshall, Esq.

Counsel for Richard B Smith

Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street, 11th Floor
Arlington, VA 22209
(703) 812-0400

September 11, 2003

CERTIFICATE OF SERVICE

I, Suzanne Thompson, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., do hereby certify that a copy of the foregoing "Motion For Leave To File Reply" was sent this 11th day of September, 2003, by first-class United States Mail, postage prepaid to:

Howard J. Braun, Esquire
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James W. Shook, Esquire (by hand and email)
David M. Janas, Esquire
Investigations and Hearings Division, Enforcement Bureau
Federal Communications Commission
445 12th Street, S.W., Room 3-B443
Washington, DC 20554

The Honorable Arthur I. Steinberg (by hand and fax)
Administrative Law Judge
Federal Communications Commission
445 12th Street, S.W. – Room 1-C861
Washington, D C 20054


Suzanne Thompson